

TWENTY-NINTH DAY - FEBRUARY 20, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 2003

PRAYER

The prayer was offered by Pastor Steve Eggum, First Baptist Church, Tekamah, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senator Redfield who was excused; and Senators Byars, Chambers, Loudon, D. Pederson, Raikes, Schrock, Vrtiska, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 20, 2003

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14e, 15, 34, 35, 40, 69, 69A, 83e, 92e, 93, 122, 167, 191, 192, 242, 245, 281e, 295, and 306 were received in my office on February 14, 2003.

These bills were signed by me on February 20, 2003, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

ANNOUNCEMENTS

Senator Schimek designates LR 14CA as her priority resolution.

Senator Janssen designates LR 11CA as his priority resolution.

STANDING COMMITTEE REPORT Transportation and Telecommunications

LEGISLATIVE BILL 279. Placed on General File as amended.
Standing Committee amendment to LB 279:
AM0451

- 1 1. Strike original section 1.
- 2 2. On page 9, line 17; page 11, line 11; and page 20,
- 3 line 2, strike "five" and insert "six".
- 4 3. On page 21, line 19, strike "60-305.09," and the
- 5 third comma.
- 6 4. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 33 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 33.

SELECT FILE

LEGISLATIVE BILL 282. E & R amendment, AM7034, printed separately and referred to on page 514, was adopted.

Senator Landis renewed his pending amendment, AM0417, found on page 575.

The Landis amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Beutler offered the following amendment:

AM0430

(Amendments to E & R amendments, AM7034)

- 1 1. On page 100, lines 21 and 22, strike "a
- 2 representative" and insert "two representatives"; and in line 25
- 3 after the period insert "The Nebraska representatives shall not
- 4 vote for or against any amendment to the agreement without first
- 5 receiving legislative approval of their action by legislative
- 6 resolution if the Legislature is in session or from the Executive
- 7 Board of the Legislative Council if the Legislature is not in
- 8 session.".

Senator Mines asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Beutler	Erdman	Kruse	Price	Smith
Chambers	Foley	Preister	Schimek	Synowiecki

Voting in the negative, 34:

Aguilar	Connealy	Janssen	Mines	Stuhr
Brashear	Cudaback	Jensen	Mossey	Stuthman
Bromm	Cunningham	Johnson	Pedersen, Dw.	Thompson
Brown	Engel	Jones	Pederson, D.	Tyson
Burling	Friend	Kremer	Quandahl	Vrtiska
Byars	Hartnett	Landis	Raikes	Wehrbein
Combs	Hudkins	McDonald	Schrock	

Present and not voting, 3:

Baker	Bourne	Maxwell
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Excused and not voting, 2:

Louden	Redfield
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The Beutler amendment lost with 10 ayes, 34 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Landis offered the following amendment:

FA1165

(Amendments to E & R amendments, AM7034)

- 1 1. On page 100, lines 21 and 22, strike "a
- 2 representative" and insert "two representatives"

SPEAKER BROMM PRESIDING

The Landis amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 114. Placed on Select File as amended.

E & R amendment to LB 114:

AM7055

- 1 1. On page 2, line 17, after "section" insert an
- 2 underscored comma.

LEGISLATIVE BILL 257. Placed on Select File.

LEGISLATIVE BILL 331. Placed on Select File.

LEGISLATIVE BILL 52. Placed on Select File as amended.

E & R amendment to LB 52:

AM7056

- 1 1. Insert the following new section:
- 2 "Section 1. Section 16-6,109, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 16-6,109. The powers granted by sections 16-6,106 to
- 5 16-6,109 are independent of and in addition to all other grants of
- 6 powers on the same or related subjects but may be exercised
- 7 jointly with or supplemented by the powers granted by existing
- 8 legislation, including, but not limited to, sections 16-667 to
- 9 16-672.11, 16-680, 16-683, 16-693, 18-401 to 18-411, 18-501 to
- 10 18-512, 19-1305, ~~19-2408 to 19-2415~~, 23-320.07 to 23-320.13, and
- 11 31-501 to 31-553 and the Combined Improvement Act.".
- 12 2. On page 1, line 1; and page 5, line 8, after
- 13 "sections" insert "16-6,109,".
- 14 3. On page 2, line 21, after "combination" insert an
- 15 underscored period.
- 16 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 150. Placed on Select File.

LEGISLATIVE BILL 365. Placed on Select File as amended.

E & R amendment to LB 365:

AM7057

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 16-404, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 16-404. (1) All ordinances and resolutions or orders for
6 the appropriation or payment of money shall require for their
7 passage or adoption the concurrence of a majority of all members
8 elected to the council. The mayor may vote on any such matter when
9 his or her vote will provide the additional vote required to create
10 a number of votes equal to a majority of the number of members
11 elected to the council, and the mayor shall, for the purpose of
12 such vote, be deemed to be a member of the council.

13 (2) Ordinances of a general or permanent nature shall be
14 read by title on three different days unless three-fourths of the
15 council members vote to suspend this requirement, except that in a
16 city having a commission form of government such requirement may be
17 suspended by a three-fifths majority vote. Regardless of the form
18 of government, such requirement shall not be suspended for any
19 ordinance for the annexation of territory. In case such
20 requirement is suspended, the ordinances shall be read by title or
21 number and then moved for final passage. Three-fourths of the
22 council members may require a reading of any such ordinance in full
23 before enactment under either procedure set out in this section,
24 except that in a city having a commission form of government such
1 reading may be required by a three-fifths majority vote.

2 (3) Ordinances shall contain no subject which is not
3 clearly expressed in the title, and, except as provided in section
4 19-915, no ordinance or section thereof shall be revised or amended
5 unless the new ordinance contains the entire ordinance or section
6 as revised or amended and the ordinance or section so amended is
7 repealed, except that:

8 (a) ~~For~~ For an ordinance revising all the ordinances of
9 the city, the only title necessary shall be An ordinance of the
10 city of, revising all the ordinances of the city. Under
11 such title all the ordinances may be revised in sections and
12 chapters or otherwise, may be corrected, added to, and any part
13 suppressed, and may be repealed with or without a saving clause as
14 to the whole or any part without other title; and

15 (b) For an ordinance used solely to revise ordinances or
16 code sections or to enact new ordinances or code sections in order
17 to adopt statutory changes made by the Legislature which are
18 specific and mandatory and bring the ordinances or code sections
19 into conformance with state law, the title need only state that the
20 ordinance revises those ordinances or code sections affected by or
21 enacts ordinances or code sections generated by legislative
22 changes. Under such title, all such ordinances or code sections
23 may be revised, repealed, or enacted in sections and chapters or
24 otherwise by a single ordinance without other title.

25 Sec. 2. Section 17-614, Revised Statutes Supplement,

26 2002, is amended to read:

27 17-614. (1) All ordinances and resolutions or orders for
1 the appropriation or payment of money shall require for their
2 passage or adoption the concurrence of a majority of all members
3 elected to the council or board of trustees. Ordinances of a
4 general or permanent nature shall be read by title on three
5 different days unless three-fourths of the council or board vote to
6 suspend this requirement, except that such requirement shall not be
7 suspended for any ordinance for the annexation of territory. In
8 case such requirement is suspended, the ordinances shall be read by
9 title and then moved for final passage. Three-fourths of the
10 council or board may require a reading of any such ordinance in
11 full before enactment under either procedure set out in this
12 section.

13 (2) Ordinances shall contain no subject which is not
14 clearly expressed in the title, and, except as provided in section
15 19-915, no ordinance or section thereof shall be revised or amended
16 unless the new ordinance contains the entire ordinance or section
17 as revised or amended and the ordinance or section so amended is
18 repealed, except that: ~~for~~

19 (a) For an ordinance revising all the ordinances of the
20 city or village, the title need only state that the ordinance
21 revises all the ordinances of the city or village. Under such
22 title all the ordinances may be revised in sections and chapters or
23 otherwise, may be corrected, added to, and any part suppressed, and
24 may be repealed with or without a saving clause as to the whole or
25 any part without other title; and

26 (b) For an ordinance used solely to revise ordinances or
27 code sections or to enact new ordinances or code sections in order
1 to adopt statutory changes made by the Legislature which are
2 specific and mandatory and bring the ordinances or code sections
3 into conformance with state law, the title need only state that the
4 ordinance revises those ordinances or code sections affected by or
5 enacts ordinances or code sections generated by legislative
6 changes. Under such title, all such ordinances or code sections
7 may be revised, repealed, or enacted in sections and chapters or
8 otherwise by a single ordinance without other title.

9 Sec. 3. Original section 16-404, Reissue Revised
10 Statutes of Nebraska, and section 17-614, Revised Statutes
11 Supplement, 2002, are repealed."

12 2. On page 1, line 1, strike "of the second class"; in
13 line 2 after "section" insert "16-404, Reissue Revised Statutes of
14 Nebraska, and section"; and in line 4 strike "section" and insert
15 "sections".

Correctly Engrossed

The following bills were correctly engrossed: LBs 85, 85A, 131, 214, 216,
217, 333, and 333A.

ER9015

Enrollment and Review Change to LB 216

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 34, line 19, "of this section" has been inserted before "shall".

ER9012

Enrollment and Review Change to LB 217

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Beutler amendment, AM0306, amendments 2 through 4 have been struck.
2. In the Quandahl amendment, AM0316:
 - a. Amendments 3, 5, and 8 have been struck;
 - b. On page 1, line 12, an underscored comma has been inserted after "8-127"; and in line 22 an underscored comma has been inserted after "institution"; and
 - c. On page 2, line 23, "section" has been inserted after "to"; and the matter beginning with the second "strike" in line 25 through the semicolon in line 27 has been struck.
3. On page 1, line 1, "8-116.01," has been inserted after "sections"; in line 6 "8-208," has been struck.
4. On page 10, line 10, the second "its" has been struck and shown as stricken.
5. On page 68, line 19, "7, 9" has been struck and "8" inserted.

ER9014

Enrollment and Review Change to LB 333

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 23, line 14, the first "department" has been struck and "Department of Motor Vehicles" inserted.
2. On page 24, line 7, "all-terrain" has been inserted after "model".

(Signed) Ray Mossey, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 37. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File.

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendment to LB 197:

AM0458

- 1 1. Insert the following new section:
- 2 "Sec. 3. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 6, line 12, strike "\$34,380,203" and insert
- 5 "\$6,800,484".

LEGISLATIVE BILL 229. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 36. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

WHEREAS, in accordance with section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education plans for the replacement of storefront and windows for Harper, Schramm, and Smith Residence Halls at the University of Nebraska-Lincoln campus at an estimated cost of \$2,175,955 (the project) to be financed from the Replacement Fund of the 1986 Student Fees and Facilities Revenue Bonds; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the Board of Regents has submitted the project to the Legislature for its approval in accordance with section 85-408.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to section 85-408, the Legislature approves plans for the replacement of storefront and windows for Harper, Schramm, and Smith Residence Halls on the University of Nebraska-Lincoln campus at an estimated cost of \$2,175,955 to be financed from the Replacement Fund of the 1986 Student Fees and Facilities Revenue Bonds.

Laid over.

LEGISLATIVE RESOLUTION 37. Introduced by McDonald, 41; Schrock, 38; Jones, 43; Erdman, 47; Stuthman, 22; Cunningham, 40; Baker, 44.

WHEREAS, rural schools provide a quality education for approximately 150,000 students in Nebraska; and

WHEREAS, rural schools provide a community-based education that links children to their community, its history, and its future; and

WHEREAS, rural schools encourage students to participate in extracurricular activities to develop their talents and leadership skills; and

WHEREAS, rural schools are the center of social and community-based

activities in many small towns and rural areas and provide economic development and social benefits to rural places and rural people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That February 24, 2003, be declared Rural Education Day in Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARING
Business and Labor
Room 2102

LB 256	Monday, March 3, 2003	1:30 p.m.
LB 435	Monday, March 3, 2003	1:30 p.m.
LB 750	Monday, March 3, 2003	1:30 p.m.
LB 701	Monday, March 3, 2003	1:30 p.m.
LB 343	Monday, March 3, 2003	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LR 14CA:
AM0475

- 1 1. On page 3, line 19, after "subsection" insert "or
- 2 within licensed racetrack enclosures"; and in line 23 after "zone"
- 3 insert "and within licensed racetrack enclosures".
- 4 2. On page 4, line 12, strike "and" and insert a comma;
- 5 and in line 13 after the comma insert "and within licensed
- 6 racetrack enclosures,".

SELECT FILE

LEGISLATIVE BILL 381. Senator Landis renewed the Redfield pending amendment, AM0406, found on page 566.

The Redfield amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 381A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 222. E & R amendment, AM7031, found on page 514, was adopted.

Advanced to E & R for engrossment.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 205. E & R amendment, AM7029, found on page 520, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 66. Advanced to E & R for engrossment.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 66A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 55. Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. E & R amendment, AM7032, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 138. E & R amendment, AM7030, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 194. E & R amendment, AM7033, found on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 195. Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. Advanced to E & R for engrossment.

LEGISLATIVE BILL 128. Advanced to E & R for engrossment.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 130. E & R amendment, AM7038, found on page 544, was adopted.

Senator Landis offered the following amendment:
AM0468

- 1 1. On page 13, after line 17, insert the following new
- 2 subsections:
- 3 "(c) Each proceeding before the court is independent of
- 4 any other proceeding involving the same trust.

- 5 (d) Petitions for formal orders of the court may combine
 6 various requests for relief in a single proceeding if the orders
 7 sought may be finally granted without delay. Except as required
 8 for proceedings which are particularly described by other sections
 9 of the Nebraska Uniform Trust Code, no petition is defective
 10 because it fails to embrace all matters which might then be the
 11 subject of a final order.
 12 (e) A proceeding for appointment of a trustee is
 13 concluded by an order making or declining the appointment.
 14 (f) For purposes of this section, "proceeding" includes
 15 action at law and suit in equity."
 16 2. On page 40, after line 20, insert the following new
 17 subsection:
 18 "(c) Title to all trust property shall be owned by and
 19 vested in any successor trustee without any conveyance, transfer,
 20 or assignment by the prior trustee."
 21 3. On page 49, line 25, after the first comma insert
 22 "including from the trustee."

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 218. E & R amendment, AM7251, found on page 544, was adopted.

Senator Quandahl renewed his pending amendment, AM0355, found on page 513.

The Quandahl amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Quandahl renewed his pending amendment, AM0416, found on page 565.

The Quandahl amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 102. Advanced to E & R for engrossment.

LEGISLATIVE BILL 185. Advanced to E & R for engrossment.

LEGISLATIVE BILL 186. E & R amendment, AM7035, found on page 545, was adopted.

Senator Beutler renewed his pending amendment, AM0347, found on page 513.

SENATOR CUDABACK PRESIDING

Senators Burling and Mines asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Beutler renewed his pending motion, found on page 569, to bracket LB 186 until April 1, 2003.

Senators Brashear, Engel, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Beutler requested a roll call vote on his motion to bracket.

Voting in the affirmative, 15:

Beutler	Connealy	Janssen	Preister	Synowiecki
Bourne	Foley	Kruse	Price	Thompson
Chambers	Hartnett	Landis	Schimek	Wehrbein

Voting in the negative, 26:

Aguilar	Cunningham	Jones	Pederson, D.	Tyson
Baker	Erdman	Kremer	Quandahl	Vrtiska
Bromm	Friend	McDonald	Schrock	
Brown	Hudkins	Mines	Smith	
Byars	Jensen	Mossey	Stuhr	
Combs	Johnson	Pedersen, Dw.	Stuthman	

Present and not voting, 3:

Cudaback	Maxwell	Raikes
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Excused and not voting, 5:

Brashear	Burling	Engel	Louden	Redfield
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The Beutler motion to bracket failed with 15 ayes, 26 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment:

AM0350

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 39-2603, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 39-2603. (1) Except as provided in subsection (2) of
 6 this section, no ~~No~~ person shall locate or maintain a junkyard, any
 7 portion of which is within one thousand feet of the nearest edge of
 8 the right-of-way of any roadway of the Highway Beautification
 9 Control System, interstate highway without obtaining a permit from
 10 the department.
 11 (2) Junkyards located in counties which have formally
 12 adopted a comprehensive development plan and a zoning resolution
 13 prohibiting the location of junkyards within one thousand feet of
 14 the nearest edge of the right-of-way of any roadway of the Highway
 15 Beautification Control System shall be exempt from the permit
 16 requirements of sections 39-2601 to 39-2612.
 17 Sec. 2. Original section 39-2603, Reissue Revised
 18 Statutes of Nebraska, is repealed."

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler	Connealy	Kruse	Raikes	Wehrbein
Bourne	Foley	Landis	Schimek	
Bromm	Hartnett	Preister	Schrock	
Byars	Janssen	Price	Synowiecki	
Chambers	Jensen	Quandahl	Thompson	

Voting in the negative, 7:

Erdman	Mines	Pedersen, Dw. Tyson
Friend	Mossey	Smith

Present and not voting, 15:

Aguilar	Combs	Hudkins	Maxwell	Stuhr
Baker	Cudaback	Johnson	McDonald	Stuthman
Brown	Cunningham	Jones	Pederson, D.	Vrtiska

Excused and not voting, 6:

Brashear	Engel	Louden
Burling	Kremer	Redfield

The Beutler amendment lost with 21 ayes, 7 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Bromm and Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 13 nays, 3 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 371. E & R amendment, AM7036, found on page 545, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 53. Advanced to E & R for engrossment.

LEGISLATIVE BILL 181. E & R amendment, AM7039, found on page 545, was adopted.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 30A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 30, Ninety-eighth Legislature, First Session, 2003.

STANDING COMMITTEE REPORT **Health and Human Services**

LEGISLATIVE BILL 666. Placed on General File as amended.

Standing Committee amendment to LB 666:

AM0418

- 1 1. On page 2, line 12, after "(b)" insert "Emergency
- 2 medical service means an emergency medical service as defined in
- 3 section 71-5175;
- 4 (c)"; in line 13 after the semicolon insert

5 "(d) Health care practitioner facility means a health
6 care practitioner facility as defined in section 71-414;"; and in
7 line 14 strike "(c)", show as stricken, and insert "(e)".
8 2. On page 3, strike lines 12 through 23 and insert the
9 following new subsection:
10 "(4) Any person that acquires an automated external
11 defibrillator shall notify the local emergency medical service, if
12 any, of the existence, location, and type of the defibrillator
13 unless the defibrillator was acquired for use in a private
14 residence, a health care facility, or a health care practitioner
15 facility.".

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Kremer filed the following amendment to LB 250:
AM0476

(Amendments to Standing Committee amendments, AM0211)

1 1. Insert the following new amendment:
2 "2. On page 7, line 10, strike 'and' and show as
3 stricken; and in line 14 after 'areas' insert ' and
4 (9) A pharmacy as defined in section 71-425 if the
5 pharmacy only sells prepackaged pharmaceutical, medicinal, or
6 health supplement foods that are not potentially hazardous or foods
7 described in subdivision (1) of this section.".

Senator Jensen filed the following amendment to LB 45:
AM0469

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 71-5713, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 71-5713. The Department of Health and Human Services
6 Regulation and Licensure, ~~a local board of health, or any affected~~
7 ~~party or any local public health department as defined in section~~
8 ~~71-1626~~ may institute an action in any court with jurisdiction to
9 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
10 Air Act. Any interested person may report possible violations of
11 the act to such departments.
12 Sec. 2. Original section 71-5713, Reissue Revised
13 Statutes of Nebraska, is repealed."

Senator Cunningham filed the following amendment to LB 45:
AM0464

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 71-5709, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-5709. The proprietor or other person in charge of a
6 public place shall make reasonable efforts to prevent smoking in
7 ~~the public place by:~~

8 ~~(1) Posting appropriate signs;~~

9 ~~(2) Arranging seating to provide a smoke free area;~~

10 ~~(3) Asking smokers to refrain from smoking upon request~~
11 ~~of a client or employee suffering discomfort from the smoke; or~~

12 ~~(4) Any other means which may be appropriate~~ all areas of
13 such place where smoking is prohibited.

14 Sec. 2. Section 71-5713, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-5713. The Department of Health and Human Services
17 Regulation and Licensure, ~~a local board of health, or any affected~~
18 ~~party or any local public health department as defined in section~~
19 71-1626 may institute an action in any court with jurisdiction to
20 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
21 Air Act.

22 Sec. 3. Original sections 71-5709 and 71-5713, Reissue
23 Revised Statutes of Nebraska, are repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Mossey asked unanimous consent to have his name added as cointroducer to LR 4CA. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 462. No objections. So ordered.

VISITORS

Visitors to the Chamber were Stefanie Soden from McCook, Lisa Kreifels from Nebraska City, and Kristin Petersen from Omaha; Chamber of Commerce members and the Lincoln County Leadership Group from North Platte; Terry, Deb, Matthew, and James Radar from Bridgeport; 42 fourth-grade students and teacher from Eagle; and the Bellevue Leadership Group from Bellevue.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Thompson, the Legislature adjourned until 9:00 a.m., Friday, February 21, 2003.

Patrick J. O'Donnell
Clerk of the Legislature